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HUMAN RIGHTS COMMITTEE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT

Concluding Observations of the Human Rights Committee

United Kingdom of Great Britain and Northern Ireland (Hong Kong)

1. At its 1535th and 1536th meetings, held on 23 October 1996, the Human Rights Committee considered a report submitted by the United Kingdom of Great Britain and Northern Ireland relating to Hong Kong (CCPR/C/117) in compliance with a special decision of the Committee (CCPR/C/79/Add.57). The Committee subsequently adopted [1] the following observations:

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2. The Committee welcomes the presence of a high-level delegation which included a significant number of officials of the Hong Kong Government. It expresses its appreciation to the representatives of the State party for the high quality of the report, and the detailed and frank answers provided by the delegation in response to the written and oral questions. The Committee notes with satisfaction that this information enabled it to engage in a highly constructive dialogue with the State party.

3. The Committee also welcomes the presence of a significant number of non-governmental organizations from Hong Kong. The information provided by these NGOs greatly assisted the Committee in its understanding of the human rights situation in Hong Kong.

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4. At its 1453rd meeting, on 20 October 1995, the Committee [2] envisaged issues in connection with reporting obligations on the part of Hong Kong after the transfer of sovereignty to the People's Republic of China on 1 July 1997. It recalled that, in dealing with cases of dismemberment of States parties to

the International Covenant on Civil and Political Rights, it had taken the view that human rights treaties devolve with territory, and that States continue to be bound by the obligations under the Covenant entered into by the predecessor State. Once the people living in a territory enjoy the protection of the rights under the International Covenant on Civil and Political Rights, such protection cannot be denied to them merely by virtue of dismemberment of that territory or its coming under the sovereignty of another State or of more than one State. [3]

5. The Committee reiterates that the existence and contents of the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China make it unnecessary for the Committee to rely solely on the foregoing jurisprudence as far as Hong Kong is concerned. In this regard, the Committee pointed out that the parties to the Joint Declaration have agreed that all provisions of the Covenant as applied to Hong Kong shall remain in force after 1 July 1997. These provisions include reporting procedures under article 40; since the reporting requirements under article 40 will thus continue to apply, the Human Rights Committee expects that it will continue to receive and review reports submitted in relation to Hong Kong.

6. Accordingly, the Committee is ready to give effect to the intention of the parties to the Joint Declaration as far as Hong Kong is concerned, and to cooperate fully with the parties to the Joint Declaration to work out the necessary modalities to achieve these objectives.

C. Suggestions and recommendations

7. The Committee urges the United Kingdom of Great Britain and Northern Ireland (Hong Kong) Government to take all necessary steps to ensure effective and continued application of the provisions of the Covenant in the territory of Hong Kong in accordance with the Joint Declaration and the Basic Law.

8. The Committee reminds the United Kingdom of Great Britain and Northern Ireland Government of its continuing responsibility to ensure to the people of Hong Kong the rights protected by the Covenant and to carry out its obligations under the Covenant including in particular article 40; in that regard, it requests the Government of the United Kingdom to report on the human rights situation in the territory of Hong Kong up to 30 June 1997.

Notes

1.At its 1556th meeting (Fifty-eighth session), on 6 November 1996.

2.Statement by the Chairperson on behalf of the Human Rights Committee (read out by the Chairman at the Committee's 1453rd meeting on 20 October 1995) contained in document CCPR/C/79/Add.57.

3.See document CCPR/C/SR.1178/Add.1, CCPR/C/SR.1200, CCPR/C/SR.1201 and CCPR/C/SR.1202.